

FILED

APR 20 2010

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Stephen H.M. Bloch #7813
Tiffany Bartz # 12324
SOUTHERN UTAH WILDERNESS ALLIANCE
425 East 100 South
Salt Lake City, UT 84111
Telephone: (801) 486-3161

Walton Morris (*pro hac vice*)
MORRIS LAW OFFICE, P.C.
1901 Pheasant Lane
Charlottesville, VA 22901
Telephone (434) 293-6616

Sharon Buccino (*pro hac vice*)
NATURAL RESOURCES DEFENSE COUNCIL
1200 New York Ave., NW, Suite 400
Washington, DC 20005
Telephone: (202) 289-6868

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
SOUTHERN UTAH WILDERNESS
ALLIANCE,
NATURAL RESOURCES DEFENSE
COUNCIL, and
NATIONAL PARKS CONSERVATION
ASSOCIATION,

Docket No. 2009-019
Cause No. C/025/0005

Petitioners,

DIVISION OF OIL, GAS AND MINING

Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,

Intervenors-Respondents.

MOTION FOR ISSUANCE OF SUBPOENAS

Pursuant to UT ST § 63G-4-205 and UT ADC R641-108-800, Petitioners request that the Board issue the attached subpoenas to:

1. Joe Helfrich, Resource Specialist, Division of Oil, Gas and Mining
2. Jody Patterson, Principal Investigator, Montgomery Archeological Consultants.

The Utah Administrative Procedures Act provides that “[s]ubpoenas and other orders to secure the attendance of witnesses or the production of evidence in formal adjudicative proceedings shall be issued by the presiding officer when requested by any party.” UT ST § 63G-4-205. *See also* UT ADC R641-108-800 (authority of Board to issue summons for attendance of witnesses).

As indicated by the Coal Hollow Mine permit files, Joe Helfrich was the point person at the Division of Oil, Gas and Mining for cultural/ historic resource issues during the permit review. As designated by Alton Coal Development , Jody Patterson is the Principal Investigator with Montgomery Archeological Consultants responsible for MOAC’s work in support of the Coal Hollow Mine permit. The testimony of Mr. Helfrich and Mr. Patterson will provide the Board information related to the Division’s cultural/ historic review of the challenged Coal Hollow Mine permit. Both individuals were identified on Petitioners’ List of Witnesses submitted April 19, 2010.

Dated: April 20, 2010

Respectfully submitted,

By: **Stephen
Bloch**

Digitally signed by Stephen Bloch
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Date: 2010.04.20 10:01:21 -06'00'

Attorneys for Utah Chapter of the
Sierra Club, *et al.*

Stephen H.M. Bloch #7813
Tiffany Bartz #12324
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WILDERNESS ALLIANCE
425 East 100 South
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DEFENSE COUNCIL
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of April, 2010, I served a true and correct copy of **PETITIONERS' MOTION FOR ISSUANCE OF SUBPOENAS** to each of the following persons via e-mail transmission:

Denise Dragoo, Esq.
James P. Allen, Esq.
Snell & Wilmer, LLP
15 West South Temple, Suite 1200
Salt Lake City, UT 84101
ddragoo@swlaw.com
jallen@swlaw.com

Bennett E. Bayer, Esq. (Pro Hoc Vice)
Landrum & Shouse LLP
106 West Vine Street, Suite 800
Lexington, KY 40507
bbayer@landrumshouse.com

Steven Alder, Esq.
Utah Assistant Attorney General
1594 West North Temple
Salt Lake City, UT 84114
stevealder@utah.gov

Michael Johnson, Esq.
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
mikejohnson@utah.gov

William L. Bernard, Esq.
Jim R. Scarth, Esq.
Deputy Kane County Attorney
76 North Main Street
Kanab, UT 84741
attorneyasst@kanab.net
mackeybridget@hotmail.com

Stephe
n Bloch

Digitally signed by
Stephen Bloch
DN: cn=Stephen
Bloch, c=US
Date: 2010.04.20
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et al.,

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DIVISION OF OIL, GAS AND MINING,
Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,
Intervenors-Respondents.

SUBPOENA

TO: Mr. Joe Helfrich, Department of Natural Resources, Division of Oil, Gas, and Mining,
1594 West North Temple, Suite 1210, Salt Lake City, Utah 84116

You are hereby ordered to attend and give testimony before the Board of Oil, Gas, and Mining in the Auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah 84116, Telephone 801-538-5264, beginning at 9:00 a.m. on April 29, 2010, in the above captioned matter. Attached to this subpoena is a check in the amount of \$18.50, which—pursuant to Utah Code Ann. § 78B-1-119(1)(a)-(b)—is the fee for one day's attendance.

The Chairman's signature on a .pdf copy or photocopy of this Order shall be deemed the equivalent of a signed original for all purposes.

DATED April ____, 2010

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Douglas E. Johnson
Chairman

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**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

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DIVISION OF OIL, GAS AND MINING,
Respondent, and

ALTON COAL DEVELOPMENT, LLC, and
KANE COUNTY, UTAH,
Intervenors-Respondents.

SUBPOENA

TO: Mr. Jody Paterson, Montgomery Archeological Consultants, Inc., 310 East 100 South,
P.O. Box 219, Moab, Utah 84532

You are hereby ordered to attend and give testimony before the Board of Oil, Gas, and Mining in the Auditorium of the Department of Natural Resources, 1594 West North Temple, Salt Lake City, Utah 84116, Telephone 801-538-5264, beginning at 9:00 a.m. on April 29, 2010, in the above captioned matter. Attached to this subpoena is a check in the amount of \$67.00, which includes \$18.50 for one day's attendance, and an additional \$48.50 for travel for 185 miles (235 miles from Moab to Salt Lake City less 50 miles) at 25 cents a mile, which—pursuant to Utah Code Ann. § 78B-1-119(1)(a)-(b)§—are the fees for one day's attendance and mileage allowed by law.

The Chairman's signature on a .pdf copy or photocopy of this Order shall be deemed the equivalent of a signed original for all purposes.

DATED April ____, 2010

STATE OF UTAH
BOARD OF OIL, GAS AND MINING

Douglas E. Johnson
Chairman

